

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 14956 OF 2024

Kinjal Vilas Bastav, Age 18 years

Occupation : Student,

Residing at B/8, Mulund Sagar

Prasad CHS Ltd. Gavanpada Village

Road, Mulund East, Mumbai 400 081

... Petitioner

Versus

1. State of Maharashtra
Thr. Its Secretary, Tribal,
Development Department,
Mantralaya, Mumbai 400 0332.
2. Scheduled Tribe Certificate Scrutiny
Committee Konkan Division, Thane
Through its Member Secretary,
Having its office at 6th floor, MTNL Bldg.,
Charai, Thane (West),
District Thane.
3. Commissioner and Competent Authority,
State Common Entrance Cell,
Maharashtra having its office at
New Excelsior Bldg., 8th floor,
A.K. Nayak Marg, Fort, Mumbai – 1 ... Respondents

...
Mr. Chaitanya Bhangoji a/w Mr. R.K. Mendadkar a/w Priyank
Shaw, Advocate for the Petitioner.

Ms. P.M.J. Deshpande, AGP, for the Respondent Nos.1 and 2 –
State.

Mr. Vikas Mali, Advocate for Respondent No.3 – CET CELL.

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CORAM : RAVINDRA V. GHUGE
&
M.M. SATHAYE, JJ.

DATE :- 23rd OCTOBER, 2024

ORAL JUDGMENT (Per Ravindra V. Ghuge, J.) :-

1. **Rule.** Rule made returnable forthwith and heard finally by the consent of the parties.

2. The Petitioner has put forth prayer clauses (a) and (b), as under:-

- “a. That this Hon'ble Court be pleased to issue a writ of mandamus and or any other writ, order or direction in the nature of mandamus directing the Respondent No. 2 committee to decide the application dated 23.4.2024 filed by the petitioner for grant of Caste Validity Certificate in the light of Judgment and order dated 23.11.2017 passed by this Hon'ble Court in Writ Petition no.3134 of 2009 in the case of her father and real uncle as expeditiously as possible and in any event, before 31.10.2024.*
- b. Pending hearing and final disposal of this writ petition, the respondent no. 3 be directed by mandatory injunction to consider the case of the petitioner for admission in the first year of B. Pharmacy degree course under ST category and to grant admission if the Petitioner is in merit list of ST candidate and otherwise found eligible.”*

3. The Petitioner's father viz. Vilas Pandurang Bastav was before this Court in Writ Petition No.3134 of 2009. By a judgment dated 23rd November 2017, this Court scrutinized the case of the Petitioner's father, thread-bare and after considering the case from all permissible angles, the Petition was allowed. The order refusing validity certificate was quashed and set aside and the Committee was directed to issue 'Koli-Mahadev', Scheduled Tribe Validity Certificate to the Petitioner's father.

4. Considering the law laid down in *Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti vs. The State of Maharashtra (AIR 2023 SC 1657: 2023 SCC OnLine SC 326)*, the Petitioner's case appears to be covered. The Committee is yet to decide the claim of the Petitioner which was lodged recently on 23rd April, 2024. The Petitioner is a student and who aspires to seek admission to the B. Pharmacy Degree Course. The learned Advocate representing Respondent No.3 State Common Entrance Cell, submits that in the first two rounds, the Petitioner has been unsuccessful. The Third Cap round is likely to commence shortly.

5. In the peculiar facts as recorded above, and especially in view of the judgment of this Court dated 23rd November, 2017 delivered in the case of ***Vilas Pandurang Bastav*** (supra), **this Writ Petition is partly allowed** with the following directions:-

- a) Respondent No.2, Committee shall expeditiously decide the claim of the Petitioner, preferably on or before 31st December, 2024.
- b) If the Petitioner secures admission on the basis of her reservation claim, her admission would be protected till the decision of the Committee, keeping in view that her biological father has been granted validity certificate by this Court vide order dated 23rd November, 2017 in ***Vilas Pandurang Bastav*** (supra).

6. Rule is made partly absolute in above terms.

(M.M. SATHAYE, J.) (RAVINDRA V. GHUGE, J.)